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Attorneys for Defendants
 MAXMILIAN ZARZANA, and PINAKI
 CHAKRAVORTY (erroneously sued herein
 as "MAXNILIAN ZARZANA" and
 "PINAKI CHAKRAVORT")

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

HOWARD HERSHIPS,

Plaintiff,

v.

THE SUPERIOR COURT OF
 CALIFORNIA COUNTY OF SANTA
 CLARA, SANTA CLARA COUNTY
 DEPUTY DISTRICT ATTORNEYS
 MAXNILIAN ZARZANA, PINAKI
 CHAKRAVORT, STEVEN TODD
 KIRSCH, DAVID DUPERRAULT,
 GERALD SORENSON, PALO ALTO
 POLICE OFFICER CARLOS DE
 SANTIAGO, JOHN EVERDING AND
 DOES 1 through 20 inclusive,

Defendants.

No. 06-6644 MJJ

**DEFENDANTS MAXMILIAN ZARZANA
 AND PINAKI CHAKRAVORTY'S
 NOTICE OF MOTION AND MOTION
 TO DISMISS, OR IN THE
 ALTERNATIVE STAY, PLAINTIFF'S
 FIRST AMENDED COMPLAINT
 F. R. Civ. P. 12(b)(6)**

Date: August 28, 2007
 Time: 9:30 a.m.
 Crtrm: 11, 19th Floor
 Judge: Judge Martin J. Jenkins

PLEASE TAKE NOTICE that on **August 28, 2007**, at **9:30 a.m.** or as soon thereafter as
 the matter may be heard in Courtroom 11 of the above-entitled Court, located at 450 Golden
 Gate Ave., San Francisco, CA 94102, Defendants MAXMILIAN ZARZANA, and PINAKI
 CHAKRAVORTY will and hereby do move the Court: 1) to dismiss Plaintiff HOWARD
 HERSHIPS' complaint as to them under the absolute prosecutorial and judicial immunities; 2)
 to dismiss the instant complaint under the *Younger* abstention doctrine; and/or 3) to stay the

1 instant action pursuant to *Gilbertson v. Albright* and the *Younger* abstention doctrine. *See*
2 *Younger v. Harris*, 401 U.S. 37 (1971); *Gilbertson v. Albright*, 381 F.3d 965, 982 (9th Cir.
3 2004).

4 This motion to dismiss will be based on this Notice of Motion and Motion to Dismiss, or
5 in the Alternative Stay, Plaintiff's First Amended Complaint; the Memorandum of Points and
6 Authorities in Support of Santa Clara County Defendants' Motion to Dismiss, or in the
7 Alternative Stay, Plaintiff's First Amended Complaint; the pleadings, records, and papers filed
8 herein; and such other and further oral and documentary evidence and legal memoranda as may
9 be presented at or by the hearing on these issues.

10 Dated: June 26, 2007

Respectfully submitted,

11 ANN MILLER RAVEL
12 County Counsel

13 By: /S/
14 KEVIN M. HAMMON
Deputy County Counsel

15 Attorneys for Defendants
16 MAXMILIAN ZARZANA, and
17 PINAKI CHAKRAVORTY
(erroneously sued herein as
18 "MAXNILIAN ZARZANA" and
19 "PINAKI CHAKRAVORT")
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